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EPA Region 5 Records Ctr.



275174

December 2, 1999

Craig Melodia
Assistant Regional Counsel
U.S. EPA Region 5 (C-145)
77 W. Jackson Blvd.
Chicago, IL 60604-3590

Dear Mr. Melodia:

Please find the original signature page of the Consent Decree signed by the authorized representative of the Village of Lincoln Heights. Please also find enclosed a copy of the authorizing legislation for such signature. Please update me as to the status of when the Consent Decree may be journalized.

Sincerely,

Matthew W. Fellerhoff

enclosures

cc: Mr. Herman Dantlzer
William A. McClain

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**VILLAGE OF LINCOLN HEIGHTS
HAMILTON COUNTY, OHIO
ORDINANCE NO. 99-O- 82**

**AUTHORIZING THE VILLAGE MANAGER TO
ENTER INTO A CONSENT DECREE
AGREEMENT WITH THE UNITED STATES
EPA AND DECLARING AN EMERGENCY**

- WHEREAS,** The Village of Lincoln Heights has been sued by various parties in an environmental action seeking, among other remedies, contribution from the Village for the cost of cleaning up a land fill site known as the "Skinner Landfill." That case is known as the *Dow Chemical Co., et al. v. ACME Wrecking Co., Inc., et al.*, Case No.: C-1-97-307 in the U.S. District Court for the Southern District of Ohio Western Division; and
- WHEREAS,** The Village legal counsel entered into negotiations with the United States Environmental Protection Agency (hereinafter referred to as "EPA") to settle any claims for response costs incurred or to be incurred at the Skinner Landfill site; and
- WHEREAS,** The United States EPA has offered to settle its claims against the Village of Lincoln Heights for any response costs incurred or to be incurred at the site; and
- WHEREAS,** In that Consent Decree, the Village of Lincoln Heights would be granted contribution protection against any claims made by third parties including the claims currently pending in Case No. C-1-97-307; and
- WHEREAS,** The Village does not admit any liability for the response costs at the Skinner Landfill site; and
- WHEREAS,** In an effort to put this matter behind the Village, to limit the exposure that the Village may have for response costs under Case No. C-1-97-307 and to limit continuing attorney fees, the Council for the Village of Lincoln Heights, Ohio has determined that it is prudent to enter into the proposed Consent Decree with the United States EPA, now therefore,

BE IT ORDAINED by the Council for the Village of Lincoln Heights, Hamilton County, Ohio:

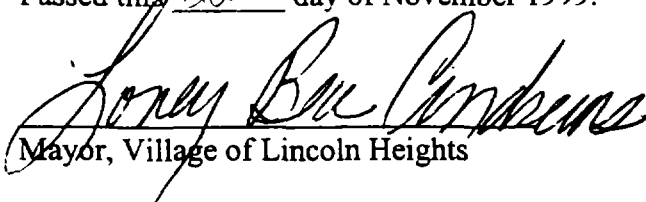
SECTION I

That the Village Manager is hereby authorized to enter into the Consent Decree attached as Exhibit A to this ordinance with the United States EPA.

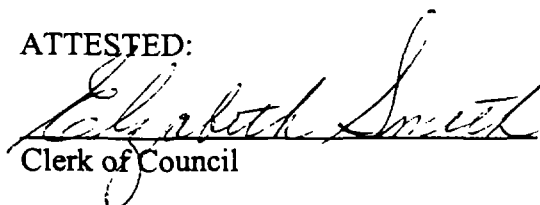
SECTION II

This Ordinance is hereby declared to be an emergency measure necessary for the health, safety, and general welfare of the Village of Lincoln Heights. The reason for said emergency is the necessity of entering into this settlement in an expedited fashion to allow for a smooth transition of other settlements in this lawsuit which would be beneficial to the Village.

Passed this 22nd day of November 1999.


Mayor, Village of Lincoln Heights

ATTESTED:


Clerk of Council

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